

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMIE CLARK,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.

3:08-cv-00158-LRH-VPC

ORDER

Before the court is defendant Metropolitan Life Insurance Company's ("MetLife") motion for leave to file under seal an opposition to plaintiff Jamie Clark's ("Clark") motion for class certification (Doc. #100). Doc. #119.

MetLife requests leave pursuant to the stipulated protective order regarding confidentiality of discovery material which provides that any party that wishes to file or submit as part of the court record any material subject to the protective order must first file a motion for leave to file such materials under seal with the court. Doc. #35. MetLife argues that its memorandum refers to materials deemed and designated as confidential.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also

1 deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th  
2 Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific factual  
3 findings that outweigh the general history of access and the public policies favoring disclosure.”  
4 *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations  
5 omitted).

6 Here, MetLife has not put forth any compelling reasons for sealing the requested documents  
7 other than the information is covered by the broad protective order entered in this matter. MetLife  
8 has not met its burden to overcome the presumption in favor of public access to court documents.  
9 Accordingly, MetLife’s motion for leave shall be denied.

10 IT IS THEREFORE ORDERED that defendant’s motion for leave to file under seal  
11 (Doc. #119) is DENIED.

12 IT IS SO ORDERED.

13 DATED this 5<sup>th</sup> day of March, 2010.



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16 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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